

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Mobridge School District
Accountability Review - Focus Monitoring Report 2007-2008**

Team Members: Donna Huber, Chris Sargent, Rita Pettigrew, and Sue Sletto, Education Specialists

Dates of On Site Visit: April 8 and 9, 2008

Date of Report: May 2, 2008

3 month update due: August 2, 2008

Date Received:

6 month update due: November 2, 2008

Date Received:

9 month update due: February 2, 2009

Date Received:

Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

(1) That the requirements of this article are carried out;

(2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior:

(a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and

(b) Meets the educational standards of the state education agency, including the requirements of this article; and

(3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

(1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;

(2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and

(3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)

State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARAD 24:05:20:20.)

1. FAPE IN THE LEAST RESTRICTIVE ENVIRONMENT

Present levels: From previous onsite visit 11/28/06

ARSD 24:05:13:02 Free appropriate public education (FAPE)

FAPE includes special education and related which meet the following requirements: 1. Are provided at public expense, under public supervision and direction, and without charge; 2. Meet the standards of the state board in this article and the implementing regulations for Part B of the Individuals with Disabilities Education Act; 3. Include preschool, kindergarten, elementary school and secondary school education in South Dakota; and 4. Are provided in conformity with an individual educational program and the article.

Through a student file review, the monitoring team determined there is a student (#25) identified with a disability that is not being provided special education services in accordance with state requirements. The student was determined eligible for services in developmental delay in April 2006. An IEP was developed; however, all areas of developmental concern were not addressed. Through the file review and staff interview, it was determined that special education services in these areas are not being provided, nor did the parent decline the service. The district must reconvene the student's IEP committee and complete documentation to provide FAPE to the student

Follow-up: 4/8-9/08

In all files reviewed during the 2008 onsite visit, the district was providing services as developed in the student IEP.

2. FAPE IN THE LEAST RESTRICTIVE ENVIRONMENT

Present levels: Onsite visit 4/8-9/08

FAPE in the LRE – Performance Indicator

State Performance Plan - Indicator 3: Participation and performance of children with disabilities on statewide assessments:

1. Percent of districts meeting AYP objectives for progress for disability group.
2. Participation rate for children with IEPs in regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
3. Proficiency rate for children with IEPs against grade level standards and alternative achievement standards.

Through review of eight files, data gathered by the review team indicated the following:

1. The accommodations were appropriate for the skills affected by the disability in 8 of 8 files.
2. The accommodations provided for State/District wide assessments were provided in the student's instructional program in 4 of 8 files.
3. The accommodations identified in the IEPs for State/District wide assessments were used during the assessment administration in 3 of 8 files.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: 1. The district will provide training for all special education			

<p>staff and testing coordinator in the area of accommodations.</p> <p>2. District will develop a method of ensuring that students are receiving only those accommodations and all of the accommodations listed in the IEP for statewide testing and that accommodations are consistently being used for the student's instructional program.</p> <p>Data Collection:</p> <p>1) District will document date of training and names of staff who attended the training and the name/s of the presenter to the SEP.</p> <p>2) District will submit a description of the method they have developed to ensure the integrity of those accommodations provided during statewide testing and the IEP.</p>			
---	--	--	--

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

3. GENERAL SUPERVISION

Present levels: From previous onsite visit 11/28/06

ARSD 24:05:25:04:02. Determination of needed evaluation data As part of an evaluation, the individual education program team and other individuals with knowledge and skills necessary to interpret evaluation data determine whether the child has a disability, and determine whether the child needs special education and related services, as appropriate, shall: review existing evaluation data on the child, including evaluations and information provided by the parents of the child; current classroom-based assessments and observations; and observations by teachers and related services providers.

ARSD 24:05:25:06 Reevaluations

Each school district shall conduct a reevaluation of each child with a disability in accordance with this chapter if the district determines that the educational or related service needs, including improved academic achievement and functional performance of the child, warrant a reevaluation, or if the child's parents or teacher requests a reevaluation. A reevaluation conducted for these purposes may not occur more frequently than once a year, unless the parent and district agree, but shall occur at least once every three years, unless the parent and the district agree that a reevaluation is unnecessary.

The review team validated the district's findings that more involvement is needed from the IEP team as to the data needed to determine eligibility. In student file reviews, evaluation was not consistently found to support the IEPs present level of performance and goals. In addition, student file reviews indicated that three-year reevaluation timelines were not consistently met.

Follow-up: 4/8-9/08

Lack of documented parental participation into the evaluation process continues to be area of concern. The review team could not find documentation in three files that the district obtained parental input when determining what areas of suspected disability/disabilities and related services, if any, needed to be evaluated in order to determine whether the child is a child with a disability. Staff indicated the district does not consistently use a team approach in determining what areas need to be evaluated according to the suspected disability after receiving the referral.

The review team determined the district had improved in the area of meeting three year evaluation timelines. All three year reevaluation timelines were met except for one student who was in an out of district placement. The district failed to conduct a comprehensive three year evaluation to determine continued eligibility for this student.

Corrective Action: Document the specific activities and procedures	Timeline for	Person(s)	(SEP Use Only)
---	---------------------	------------------	-----------------------

that will be implemented and the data/criteria that will be used to verify compliance.	Completion	Responsible	Date Met
<p>Activity/Procedure:</p> <ol style="list-style-type: none"> 1. The district will review and revise policy/procedures in their Comprehensive Plan, specifically parent input into the evaluation process and the district's responsibility for students in out of district placement. <p>Data Collection: The district will submit a copy of the revised Comprehensive Plan to the SEP.</p> <p>Activity/Procedure:</p> <ol style="list-style-type: none"> 2. The district will receive training in the area of parental input into the evaluation process and district responsibility for students in out of district placement <p>Data Collection: District will document date of training and names of staff who attended the training and the name/s of the presenter to the SEP.</p> <p>Activity/Procedure:</p> <ol style="list-style-type: none"> 3. District will ensure parental input into reevaluation/evaluation process is obtained and documented for all evaluations/reevaluations. <p>Data Collection: District administrator will review all evaluation/reevaluation files during the reporting period and verify parental input into the evaluation process. Total number of files reviewed along with findings will be reported to SEP.</p> <p>Activity/Procedure:</p> <ol style="list-style-type: none"> 4. The district will convene an IEP meeting to develop the Summary of Performance for the student in an out of district placement prior to dismissal. <p>Data Collection: District will submit the IEP date, names of those present, and a copy of the summary of performance to the SEP within the first 3 month reporting period.</p>			

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

4. GENERAL SUPERVISION

Present levels: From previous onsite visit 11/28/06

ARSD 24:05:30:04. Prior notice and parent consent Informed parental consent must be obtained before conducting a first-time evaluation, reevaluation, and before initial placement of a child in a program providing special education or special education and related services.

In two student files, parental consent was not obtained for placement of a child in a program providing special education or special education and related services. The district must obtain initial parent consent for placement

Follow-up: 4/8-9/08

The team determined the district has obtained consent for all initial placements since the November 2006 onsite visit.

Through file review the team determined the district did not consistently obtain consent for all evaluations administered to the student during the evaluation process. For example, an adaptive evaluation was conducted but it was not on the Prior Notice/Consent signed by the parent. There were also times when the district received consent for evaluations but then there is no evidence in the file to support the evaluations were administered. For example, parental consent was obtained for gross motor evaluations to be administered but then there was no evidence in the file it was given. This occurred in at least eight files that were reviewed.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
<p>Activity/Procedure: The district will provide training in the following evaluation process:</p> <ol style="list-style-type: none"> 1. The process of determining what areas of suspected disabilities will be evaluated. 2. Documentation on prior notices to reflect what the team, including parent input, has agreed to evaluate and use for eligibility determination. <p>Data Collection:</p> <ol style="list-style-type: none"> 1. District will document date of training and names of staff who attended the training and the name/s of the presenter to the SEP. 2. District administrator will review all evaluation/reevaluation files during the reporting period and report the following: <ol style="list-style-type: none"> a) Name of student b) What areas the student was evaluated for c) Submit the Prior Notice/Consent for evaluation d) Submit the Prior Notice/Consent for Eligibility meeting e) Eligibility Document f) Front cover of the IEP 			

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

5. GENERAL SUPERVISION

Follow-up: 4/8-9/08

ARSD 24:05:25:04. Evaluation procedures -- General. School districts shall ensure, at a minimum, that evaluation procedures include the following: (5) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parents, that may assist in determining: (a) Whether the child is a child with a disability; and (b) The content of the child's IEP, including information related to enabling the child: (i) To be involved in and progress in the general education curriculum; or (ii) For a preschool child, to participate in appropriate activities; (7) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities; and (8) The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

Through file review the team determined the district's evaluation process is not consistently sufficiently comprehensive enough to support the disability. Previous medical documentations for disability categories which required such documentation were not brought forth during the evaluation process. No adaptive evaluations were administered for two

students identified on the child count as a child with a cognitive disability. Although functional evaluation is completed, the information is not consistently skill specific enough to aide in developing clear goals and objectives within the IEP. All areas identified on the referral for evaluation were at times not evaluated nor was there an explanation of why the IEP team agreed not to evaluate those areas. The review team determined the evaluation process was not sufficiently comprehensive in seven files.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: District will provide training to all special education staff in the areas of referral and the entire evaluation process, including functional evaluation. Data Collection: 1. District will document date of training and names of staff who attended the training and the name/s of the presenter to the SEP. 2. District administrator will review all evaluation/reevaluation files during the reporting period and report the following: <ul style="list-style-type: none"> a) Name of student b) What suspected disability/disabilities the team was evaluating c) What areas the student was evaluated for d) Submit the Prior Notice/Consent for evaluation e) Submit the Prior Notice/Consent for Eligibility meeting f) Eligibility Document g) Front cover of the IEP 			

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

6. GENERAL SUPERVISION

Present levels: From previous onsite visit 11/28/06

ARSD 300.306 Determination of Eligibility (a) General. Upon completion of the administration of assessment and other evaluation measures - (1) A group of qualified professionals and parents of the child determine whether the child is a child with a disability, as defined in regulation and the educational needs of the child and (2) The district provides a copy of the evaluation report and the documentation of the determination of eligibility at no cost to the parent.

In three student file reviews, no documentation for eligibility was found. The students were preschool age. Staff interviews indicated documentation was not consistently completed for preschool children.

Follow-up: 4/8-9/08

Although documentation for eligibility was found in all files reviewed, there are several concerns regarding the eligibility process and documentation.

After reviewing files of students with a specific learning disability, the review team determined all required information was not completed in the eligibility document in three of the four student files. This was particularly true of those student files in which the new required eligibility document was used.

In several files all reports used to determine eligibility were not in the file. This pertained primarily to reports from Occupational and Physical Therapists.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
<p>Activity/Procedure: 1. The district will provide training to all special education staff in the following areas:</p> <ol style="list-style-type: none"> 1. Completing all required information in the eligibility document. <p>Data Collection: 1. District will document date of training and names of staff who attended the training and the name/s of the presenter to the SEP.</p> <p>2. District administrator will review all evaluation/reevaluation files during the reporting period and verify eligibility documentation in the following areas:</p> <ol style="list-style-type: none"> a. Were documents completed with all required information, b. Was there consistency of the documented disability within the eligibility document and between the eligibility document and the IEP. <p>Total number of files reviewed along with findings will be reported to SEP.</p>			

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

7. GENERAL SUPERVISION

Present levels: From previous onsite visit 11/28/06

ARSD 24:05:27:01.01 Team membership The district shall ensure the IEP team for each student includes parents, administrator, special education, regular education and other individuals who have knowledge or special expertise regarding the student.

Follow-up: **4/8-9/08**

The district had the required team membership at all IEP meetings in all files reviewed.

8. GENERAL SUPERVISION

Present levels: From previous onsite visit 11/28/06

ARSD 24:05:27:01.03 Content of individualized education program (IEP) Each student's individualized education program shall include: (1) A statement of the student's present levels of educational performance, including; How the student's disability affects the student's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled students); or For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities. (2) A statement of measurable annual goals, including (if needed) benchmarks or short-term objectives, related to: meeting the student's needs that result from the student's disability to enable the student to be involved in and progress in the general curriculum; and meeting each of the student's other educational needs that result from the student's disability. In student file reviews, present levels of performance (PLOP) did not consistently contain

the required content (i.e. specific skill area(s) affected by the student's disability, to include strengths and needs, along with how the disability affects the student's involvement in the general curriculum and parent input).

File reviews and staff interviews indicated a need to improve functional assessments to acquire the skill-based information to develop present levels of performance for students eligible for special education services.

The annual goals need to be measurable and reasonable to attain in one year. In student file reviews, the annual goals were not written in a manner that would be measurable. The following is an example: "Increase auditory processing skills with enrollment in the Fast Forward computer program

Follow-up: 4/8-9/08

Through file review the review team considered the majority of goals to be measurable which is much improved from the 2006 review. The district is commented for this improvement.

9. GENERAL SUPERVISION

Present levels: From previous onsite visit 11/28/06

ARSD 24:05:27:01.02 Development, review and revision of the IEP- Consideration of Special Factors

In developing, reviewing, and revising each student's IEP, the team shall consider the strengths of the students and the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the students as appropriate, and the results of the student's performance on any general state or district-wide assessment program. The individualized education program team also shall: (1) In the case of a student whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports, to address that behavior.

In two student files reviewed, behavioral assessment and/or present levels of performance contained information regarding the impact of student behavior on educational performance. However, in developing the IEPs for these students, the team checked "no," that the behavior does not impede learning and did not address strategies, including positive behavioral interventions and supports, to address the behaviors.

Follow-up: 4/8-9/08

The district has made improvement in the area of addressing behaviors within the IEP process. In only one of the five files reviewed which behavior was addressed in the PLAAFP page did the district not sufficiently address behavior either as a goal or under special considerations. The district is encouraged to continue their improvement in this area.

10. GENERAL SUPERVISION

Present levels: From previous onsite visit 11/28/06

ARSD: 24:05:27:01.03 Content of individualized education program,

ARSD 24:05:28:02 Continuum of alternative Placements

The IEP must address the justification for placement. This statement must include an explanation of the extent, if any, to which the child will not participate with non-disabled children in the general classroom and in extracurricular and non-academic activities.

In student file reviews (particularly speech/language and middle school files), IEPs did not provide an explanation of the extent, if any, to which the child would not participate with non-disabled children in the general classroom. For example, "student is able to participate in all regular classrooms and is successful with modifications that are tested; he/she receives resource room assistance for reading of test/assessments."

Follow-up: 4/8-9/08

In three of the files reviewed the district did not document the continuum of placement or the continuum that was documented did not match with the justification statement. For example, the continuum of placement indicates the student is in a placement category 100 (General Classroom with modifications) but the justification for placement

indicates the IEP team rejected general classroom with modification and accepted resource room as the placement. Several files had no documentation of the continuum of placement.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will provide training to all special education staff in the IEP process. Data Collection: <ol style="list-style-type: none"> 1) District will document date of training and names of staff who attended the training and the name/s of the presenter to the SEP. 2) District administrator will review 2 files of IEP conducted during the reporting period for each special education teacher/speech therapist and document how many contained the continuum of placement and the continuum matches the justification statement and the information is accurately documented on child count. 			

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

11. GENERAL SUPERVISION

Follow-up: 4/8-9/08

ARSD 24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student, or on behalf of the student.

The review team determined the district does not consistently address all required content of the IEP. In four of the files reviewed the team determined there is not a clear description of services to be provided to the student. There were also four files in which the title of the persons responsible to carry out the goals was not documented.

Corrective Action:

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The district will provide training for all special education staff in the IEP process: documenting the description of services and persons responsible for carrying out the goals. Data Collection: <ol style="list-style-type: none"> 1) District will document date of training and names of staff who attended the training and the name/s of the presenter to the SEP. 2) District administrator will review 2 files of IEP conducted during the reporting period for each special education teacher/speech therapist and document how many contained description of services and the title of persons responsible to carry out the goals. 			

3 month Progress Report:

6 month Progress Report:
9 month Progress Report:

12. GENERAL SUPERVISION

Present levels: From previous onsite visit 11/28/06

ARSD 24:05:25:26 Extended school year Administrative rules state the district will provide extended school year (ESY) services to eligible children if the IEP team determines on an individual basis that such services are necessary for the provision of a free appropriate public education. When services are appropriate, an IEP team needs to specify goals and objectives to be addressed, determine the length of the school day, duration, determine the type(s) of service, state the amount of service needed and obtain parental consent.

In five files reviewed, the IEP indicated extended school year was needed; however, what goal(s) was to be worked on, type of service(s), beginning date, ending date, and the amount of service(s) and/or parent consent was wholly or partially not documented.

Follow-up: 4/8-9/08

The district has made improvement in the area of documenting extended school year within the IEP process. The district did not document the goals the team determined needed to be addressed during extended school in only one file. In this same file the district failed to document the beginning and ending days of ESY and the amount of services to be provided. The district is encouraged to review all their files in which ESY was determined necessary and ensure all necessary content is included.

13. GENERAL SUPERVISION

ARSD 24:05:27:12 Graduation requirements

Completion of an approved secondary special education program with a regular school diploma signifies that the student no longer requires special education services. The instructional program shall be specified on the IEP. The IEP shall state specifically how the student in need of special education or special education and related services will satisfy the district's graduation requirements. Parents must be informed through the IEP process at least one year in advance of the intent to graduate their child upon completion of the IEP and to terminate services by graduation.

In student file reviews for students who plan to graduate in May 2007, only one IEP stated specifically how the student in need of special education or special education and related services will satisfy the district's graduation requirements.

Follow-up: 4/8-9/08

No findings.